

(e) Definitions

As used in this section:

(1) Office

The term “Office” means the E-911 Implementation Coordination Office.

(2) Administrator

The term “Administrator” means the Administrator of the National Highway Traffic Safety Administration.

(3) Eligible entity**(A) In general**

The term “eligible entity” means a State or local government or a tribal organization (as defined in section 450b(1) of title 25).

(B) Instrumentalities

Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E-911 services.

(C) Exception

Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) of this section within 30 days after the date on which such certification is due.

(4) E-911 services

The term “E-911 services” means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on December 23, 2004, or as subsequently revised by the Federal Communications Commission.

(5) Phase II E-911 services

The term “phase II E-911 services” means only phase II enhanced 911 services, as described in such section 20.18 (47 C.F.R. 20.18), as in effect on December 23, 2004, or as subsequently revised by the Federal Communications Commission.

(6) State

The term “State” means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

(Pub. L. 102-538, title I, §158, as added Pub. L. 108-494, title I, §104, Dec. 23, 2004, 118 Stat. 3987.)

CODIFICATION

December 23, 2004, referred to in subsec. (a)(2), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 108-494, which enacted this section, to reflect the probable intent of Congress.

FINDINGS

Pub. L. 108-494, title I, §102, Dec. 23, 2004, 118 Stat. 3986, provided that: “The Congress finds that—

“(1) for the sake of our Nation’s homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation;

“(2) enhanced emergency communications require Federal, State, and local government resources and coordination;

“(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 911 services or enhanced 911 should go only for the purposes for which the funds are collected; and

“(4) enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with State and local governments and with the numerous organizations dedicated to delivering emergency communications services.”

PURPOSES

Pub. L. 108-494, title I, §103, Dec. 23, 2004, 118 Stat. 3986, provided that: “The purposes of this title [see Short Title of 2004 Amendment note set out under section 901 of this title] are—

“(1) to coordinate 911 services and E-911 services, at the Federal, State, and local levels; and

“(2) to ensure that funds collected on telecommunications bills for enhancing emergency 911 services are used only for the purposes for which the funds are being collected.”

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SUBCHAPTER I—INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS

§ 1001. Definitions

For purposes of this subchapter—

(1) The terms defined in section 2510 of title 18 have, respectively, the meanings stated in that section.

(2) The term “call-identifying information” means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier.

(3) The term “Commission” means the Federal Communications Commission.

(4) The term “electronic messaging services” means software-based services that enable the sharing of data, images, sound, writing, or other information among computing devices controlled by the senders or recipients of the messages.

(5) The term “government” means the government of the United States and any agency or instrumentality thereof, the District of Columbia, any commonwealth, territory, or possession of the United States, and any State or political subdivision thereof authorized by law to conduct electronic surveillance.

(6) The term “information services”—

(A) means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications; and

(B) includes—

(i) a service that permits a customer to retrieve stored information from, or file information for storage in, information storage facilities;

(ii) electronic publishing; and

(iii) electronic messaging services; but

(C) does not include any capability for a telecommunications carrier’s internal management, control, or operation of its telecommunications network.

(7) The term “telecommunications support services” means a product, software, or service used by a telecommunications carrier for the internal signaling or switching functions of its telecommunications network.

(8) The term “telecommunications carrier”—

(A) means a person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire; and

(B) includes—

(i) a person or entity engaged in providing commercial mobile service (as defined in section 332(d) of this title); or

(ii) a person or entity engaged in providing wire or electronic communication

switching or transmission service to the extent that the Commission finds that such service is a replacement for a substantial portion of the local telephone exchange service and that it is in the public interest to deem such a person or entity to be a telecommunications carrier for purposes of this subchapter; but

(C) does not include—

(i) persons or entities insofar as they are engaged in providing information services; and

(ii) any class or category of telecommunications carriers that the Commission exempts by rule after consultation with the Attorney General.

(Pub. L. 103-414, title I, §102, Oct. 25, 1994, 108 Stat. 4279.)

EFFECTIVE DATE

Section 111 of title I of Pub. L. 103-414 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this title [enacting this subchapter and provisions set out below] shall take effect on the date of enactment of this Act [Oct. 25, 1994].

“(b) ASSISTANCE CAPABILITY AND SYSTEMS SECURITY AND INTEGRITY REQUIREMENTS.—Sections 103 and 105 of this title [enacting sections 1002 and 1004 of this title] shall take effect on the date that is 4 years after the date of enactment of this Act.”

SHORT TITLE

Section 101 of title I of Pub. L. 103-414 provided that: “This title [enacting this subchapter and provisions set out as a note above] may be cited as the ‘Communications Assistance for Law Enforcement Act’.”

§ 1002. Assistance capability requirements

(a) Capability requirements

Except as provided in subsections (b), (c), and (d) of this section and sections 1007(a) and 1008(b) and (d) of this title, a telecommunications carrier shall ensure that its equipment, facilities, or services that provide a customer or subscriber with the ability to originate, terminate, or direct communications are capable of—

(1) expeditiously isolating and enabling the government, pursuant to a court order or other lawful authorization, to intercept, to the exclusion of any other communications, all wire and electronic communications carried by the carrier within a service area to or from equipment, facilities, or services of a subscriber of such carrier concurrently with their transmission to or from the subscriber’s equipment, facility, or service, or at such later time as may be acceptable to the government;

(2) expeditiously isolating and enabling the government, pursuant to a court order or other lawful authorization, to access call-identifying information that is reasonably available to the carrier—

(A) before, during, or immediately after the transmission of a wire or electronic communication (or at such later time as may be acceptable to the government); and

(B) in a manner that allows it to be associated with the communication to which it pertains,

except that, with regard to information acquired solely pursuant to the authority for pen